

United States District Court
District of Massachusetts

United States of America,)
Plaintiff,)
v.)
Criminal Action No.
19-10080-NMG
Sidoo et al,)
Defendants.)

MEMORANDUM & ORDER

GORTON, J.

Defendants Michelle Janavs and Douglas Hodge have each pled guilty to one count of conspiracy to commit mail and wire fraud and honest services mail and wire fraud, in violation of 18 U.S.C. § 1349, and one count of money laundering conspiracy, in violation of 18 U.S.C. § 1956(h). On February 7, 2020, this Court sentenced defendant Hodge to, inter alia, nine months' imprisonment and on February 25, 2020, this Court sentenced defendant Janavs to, inter alia, five months' imprisonment.

On March 13, 2020, this Court allowed a motion by Hodge to extend his self-surrender date until May 4, 2020. Janavs subsequently moved to extend her self-surrender date and the Court allowed that motion, ordering her to self-surrender on May 7, 2020.

Both defendants have now moved to modify their sentences to impose home confinement pursuant to 18 U.S.C § 3582(c) because of concerns related to the COVID-19 pandemic. The government opposes those motions on several grounds including that the defendants have failed to exhaust their administrative remedies pursuant to 18 U.S.C. § 3582(c)(1)(A) and that no "extraordinary and compelling circumstances" exist that would justify reduced sentences under 18 U.S.C. § 3582(c)(1)(A)(i). With leave of Court, both defendants have filed replies in support of their motions to modify sentence both of which the Court has considered.

The COVID-19 pandemic is an unprecedented and continually evolving cause of concern and the Court is cognizant of the particular transmission risk in penitentiary facilities. As explained at the sentencing of another defendant in this case, Elizabeth Henriquez, notwithstanding the current public health crisis, this federal judge will not forfeit his obligation to impose a sentence that is warranted by a defendant's criminal conduct.

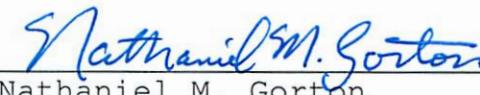
Under the current circumstances, the Court will, however, postpone the self-report date of both defendants Hodge and Janavs until June 30, 2020, to be consistent with the self-report date of Ms. Henriquez. Because of this extension, the Court declines to address the question of exhaustion of

administrative remedies or whether such "extraordinary and compelling circumstances" exist to justify conversion of the sentences of either defendant to home detention. If the public health crisis has not abated by the time of the extended report date, the Court will entertain further motions.

ORDER

For the foregoing reasons, the motion of defendant Douglas Hodge (Docket No. 1102) and defendant Michelle Janavs (Docket No. 1100) are **DENIED without prejudice**.

So ordered.



Nathaniel M. Gorton
United States District Judge

Dated April 30, 2020